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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [WA](#)
SUBJECT: NAMIBIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarché language to be used in informing the Government of Namibia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Namibia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Namibia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Namibia,s country narrative in the 2009 TIP Report:

NAMIBIA (TIER 2)

Namibia is a source, transit, and destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation. Namibian children are trafficked within the country for domestic servitude and forced agricultural labor, cattle herding, vending, and commercial sexual exploitation. In some cases, Namibian parents may have unwittingly sold their children into trafficking conditions, including child prostitution. There have been reports of Namibian children being trafficked to South Africa, typically by truck drivers, for the purpose of sexual exploitation. Zambian and Angolan children are trafficked to Namibia for domestic servitude, agricultural labor, and livestock herding. There is evidence that a West African labor trafficking syndicate transports West African adults through Namibia to Angola to work under false pretenses.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Ministry of Gender Equality and Child Welfare,s (MGEWCW) distribution of anti-trafficking brochures and commissioning, with foreign funding, of a baseline study on human trafficking in Namibia demonstrates the government,s increasing awareness of the issue and commitment to addressing it. The government also hosted the ninth annual INTERPOL working group meeting on trafficking in persons in September 2008.

Recommendations for Namibia: Draft and enact anti-trafficking legislation that prohibits and punishes all forms of trafficking; implement already enacted legislation against forced labor to prosecute trafficking offenses and convict labor trafficking offenders; launch a national anti-trafficking public awareness campaign, particularly in the border areas; provide further training to law enforcement and social services officials on the identification and provision of assistance to trafficking victims; and begin maintaining statistics on specific human trafficking offenses.

Prosecution

The Government of Namibia,s anti-trafficking law enforcement efforts were moderate during the reporting period. The Prevention of Organized Crime Act of 2004 has a provision that criminalizes trafficking in persons and prescribes up to 50 years, imprisonment or fines of up to \$140,000 for those convicted. This act was implemented in May 2009. Section 4 of Namibia,s Labor Act of 2007, which was signed into law in 2007 and came into force in November 2008, prohibits forced labor and prescribes penalties of up to four years, imprisonment or a fine of up to \$2,000, or both. Section 3 of the Labor Act prohibits various forms of exploitative child labor, prescribing penalties equal to those for forced labor offenses. Existing laws prohibiting child prostitution, pimping, and kidnapping could also be used to prosecute trafficking cases. Prescribed penalties for the above crimes are sufficiently stringent and commensurate with those prescribed for other grave crimes. The government did

not prosecute any cases of human trafficking during the reporting period. In mid-2008, before the November 2008 implementation of the Labor Act which prescribes criminal penalties for forced and child labor, the Ministry of Labor issued three administrative compliance orders to potential child trafficking offenders under the 2004 Labour Act. Though an August 2008 case involving Angolan children forced to herd cattle was slated to be reopened in 2009 under the Act,s new criminal penalties, the Ministry of Labor discovered in March 2009 that the suspect, a farmer, had disappeared. Police initiated various investigations during the year into suspected cases of pimping and brothel-keeping, but the lack of appropriate anti-trafficking legislation prevented the prosecution of alleged perpetrators.

Protection

Though the Women and Child Protection Unit of the police and the MGEWCW,s gender liaison officers attended a half-day workshop on trafficking during the reporting period, government officials did not identify any trafficking cases. The government lacked the financial resources and capacity to provide direct care to victims. NGOs and other civil society entities provided short-term shelter facilities to which government authorities referred victims of crime for assistance; however, shelters are often full and cannot accommodate all victims of abuse referred. Neither long-term shelter facilities nor services specifically tailored to the needs of trafficking victims exist in Namibia. MGEWCW social workers are assigned to the Namibian Police,s 15 Women and Child Protection Units; these units implemented a formal referral agreement with a local NGO that offers counseling to victims of trauma, but there is no record they have ever referred a trafficking victim to this organization. The Namibian legal system provided protection to victims who wish to testify against their abusers, as well as a legal alternative to foreign victims, removal to countries where they faced hardship or retribution in the form of a comprehensive asylum policy.

Prevention

Understanding of what constitutes human trafficking remained limited in Namibia, though the government made efforts during the year to raise awareness throughout the country. There were, however, no discernible efforts made to reduce the demand for commercial sex acts during the reporting period. In 2008, the MGEWCW designed, printed, and distributed 13,000 brochures explaining human trafficking to local populations in the country,s 13 regions through its gender liaison officers, community liaison officers, social workers, and officials from each Regional Council. In addition, the Ministry of Labor conducted a national public awareness campaign to introduce the new labor legislation that included radio and television programs, visits by Ministry of Labor and Social Welfare officials to all regions, and the production and distribution of 300,000 copies of a 12-page pamphlet explaining the act,s provisions, including those prohibiting exploitative child labor.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized

Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent

recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why is Namibia ranked in the 2009 TIP Report?

A: Namibia was ranked in the 2009 TIP Report because it is a source, transit, and destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation. Namibian children are trafficked within the country for domestic servitude and forced agricultural labor, cattle herding, vending, and commercial sexual exploitation. There have been reports of Namibian children being trafficked to South Africa, typically by truck drivers, for the purpose of sexual exploitation. Zambian and Angolan children are trafficked to Namibia for domestic servitude, agricultural labor, and livestock herding.

Q2: What progress did Namibia make in combating trafficking during the year?

A: The Ministry of Gender Equality and Child Welfare, distribution of anti-trafficking brochures and commissioning, with foreign funding, of a baseline study on human trafficking in Namibia demonstrates the government's increasing awareness of the issue and commitment to addressing it. The Ministry also designed, printed, and distributed 13,000 brochures explaining human trafficking to local populations in the country's 13 regions through its gender liaison officers, community liaison officers, social workers, and officials from each Regional Council. The government hosted the ninth annual INTERPOL working group meeting on trafficking in persons.

Q3: What can Namibia do to further the fight against trafficking in persons?

A: To improve the effectiveness of its fight against human trafficking, Namibia could: Draft and enact anti-trafficking legislation that prohibits and punishes all forms of trafficking; implement already enacted legislation against forced labor to prosecute trafficking offenses and convict labor trafficking offenders; launch a national

anti-trafficking public awareness campaign, particularly in the border areas; provide further training to law enforcement and social services officials on the identification and provision of assistance to trafficking victims; and begin maintaining statistics on specific human trafficking offenses.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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